

Application No.: 10/811,876

REMARKS

As a preliminary matter, it is noted that the Examiner has not provided an initialed copy of the Information Disclosure Statement filed on March 30, 2004. A copy of the IDS and stamped-post card showing receipt by the PTO is attached hereto for the Examiner's reference. In addition, a second IDS dated November 1, 2004 was filed after the mailing date of the outstanding Office Action. It is respectfully requested that the Examiner provide Applicants an initialed copy of both IDS's indicating that each of the prior art references cited therein have been considered and made of record.

Claims 25-27 stand rejected under 35 U.S.C. § 102 as being anticipated by Tani et al. '925 ("Tani"), and claims 25, 26 and 28 stand rejected under 35 U.S.C. § 102 as being anticipated by Arai et al. '168 ("Arai"). These rejections are respectfully traversed for the following reasons.

In order to expedite prosecution, claim 25 has been amended to incorporate additional structural elements to define a novel *combination* of features. Both Tani and Arai appear to provide only a vague description of the LCD structure and appear to be silent as to the complete structural details of the LCD's. Indeed, neither Tani nor Arai appear to disclose or suggest alignment layers formed between the respective insulating substrates and the liquid crystal layer, and a first conductive member which is formed between at least either one of the first and second insulating substrates and its corresponding alignment layer and being in partial contact with the alignment layer and to which a negative voltage is applied; let alone in the particular combination now recited in claim 25.

As described throughout Applicants' specification, the present invention can be capable of intentionally generating ions by providing a first conductive member to obviate non-uniformity of

Application No.: 10/811,876

ion concentration in a liquid crystal layer, thereby inhibiting display unevenness; and with the addition of an electrolyte to the liquid crystal layer, the present invention can enable inhibiting non-uniformity of the ions generated in the liquid crystal layer. Only Applicants have recognized and considered the capability for such combined effects, and conceived of the novel *combination* of structural/functional elements to enable realizing such effects.

As anticipation under 35 U.S.C. § 102 requires that each and every element of the claim be disclosed, either expressly or inherently (noting that "inherency may not be established by probabilities or possibilities", *Scaltech Inc. v. Retec/Tetra*, 178 F.3d 1378 (Fed. Cir. 1999)), in a single prior art reference, *Akzo N.V. v. U.S. Int'l Trade Commission*, 808 F.2d 1471 (Fed. Cir. 1986), based on the forgoing, it is submitted that Tani and Arai do not anticipate claim 25, nor any claim dependent thereon.

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 25 is patentable for the reasons set forth above, it is respectfully submitted that all claims dependent thereon are also patentable. In addition, it is respectfully submitted that the dependent claims are patentable based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable over the cited prior art. Accordingly, it is respectfully requested that the rejection under 35 U.S.C. § 102 be withdrawn.

Application No.: 10/811,876

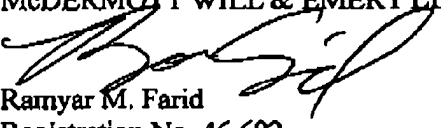
CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicant submits that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicant's attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP


Ramyar M. Farid
Registration No. 46,692

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 RMF:cac
Facsimile: 202.756.8087
Date: December 7, 2004

**Please recognize our Customer No. 20277
as our correspondence address.**